



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,657	11/29/2001	Yoshiyuki Terada	216363US3PCT	5657

22850 7590 07/16/2002

OBLON SPIVAK MCCLELLAND MAIER & NEUSTADT PC
FOURTH FLOOR
1755 JEFFERSON DAVIS HIGHWAY
ARLINGTON, VA 22202

EXAMINER

TRA, TUYEN Q

ART UNIT

PAPER NUMBER

2873

DATE MAILED: 07/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Best Available Copy

Office Action Summary

Application No.

09/926,657

Applicant(s)

TERADA ET AL.

Examiner

Tuyen Q Tra

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Oath/Declaration

1. The declaration filed 10/29/01 is acceptable.

Drawings

2. The drawings in this application are objected to by the Draftsperson as for the reasons noted on the attached Notice of Draftsperson's Patent Drawing Review, form PTO-948.

Information Disclosure Statement

3. Receipts of Information Disclosure Statements (IDS) with copies of reference cited therein were received on 02/28/02. An initialized copy of each IDS is enclosed with this Office Action.

Priority

4. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d).

Specification

5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

Best Available Copy

Art Unit: 2873

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

6. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors such spelling, spacing...etc. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negative by the manner in which the invention was made.

8. Claims 1, 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tonar et al. (U.S. Pat. 6,064,509 A).

a) With respect to claim 1, Tonar et al. discloses a clip use with electrodes in EC device in Fig. 3a and 3b comprising of a metallic clip (210) formed by providing both side pieces (214, 218) on both side edges of an electrically conductive strip-like metallic plate (212) in such a way as to face each other and to be integral with each other thereby to constitute one channel-type section as whole, the clip, characterized in that: one (214) of both the side pieces, which is disposed at side of a conductive surface, is formed in a shape in such a manner as to be able to be in intimate contact with the conductive surface of metallic plate (212); and the other (218) of both the side pieces, which is disposed at a back side of a substrate, has a terminal portion (225)

Best Available Copy

Art Unit: 2873

thereof shaped in such a way as to be outwardly opened, and also has a central portion (218b) thereof formed in a protruding shape in such a manner as to be bent toward an inside of the clip and as to narrow an inner opening thereof, to thereby impart elastic property thereto. However, Tonar et al. does not implicitly disclose a planar shape of sidepiece (214).

Since both planar sidepiece and curve shape function as a clip device to contact with a conductive surface, the selection of planar sidepiece in place of curve sidepiece is seen as design experience upon the environment of use to ensure optimum performance. Therefore, it would have been obvious at the time the invention was made to a person having skill in the art to replace the curve sidepiece in EC device with the planar sidepiece for matter of design choice.

b) With respect to claim 2, Tonar et al. discloses a clip use with electrodes in EC device in Fig. 3a and 3b having an electrode portion in which a transparent electrically conductive film (116) serving as a first electrode, an EC film (124) to be formed on the transparent electrically conductive film, and a second electrode and reflecting film (120) to be formed on the EC film (124) are sequentially formed on a transparent substrate (11) with curvature, and in which a protective layer (114) are provided thereon, and in which metallic clips (210) are attached to lead-out electrodes for the first electrode and the second electrode, the electrode structure characterized in that:

the clip (210, Fig. 3b) is formed by providing either of a side piece (214) or a side piece (218) on both side edges of a strip-like connection plate (212, Fig. 3b), which is made of a electrically conductive metallic material, in such a way as to face each other and to be integral with each other thereby to constitute substantially a channel-type section as a whole;

Best Available Copy

one (214) of both the opposed side pieces (214 & 218, Fig. 3b) , which is disposed at a side of a conductive surface of metallic plate (212, Fig. 3b), of the clip is formed in a curve shape; and the other (218, Fig. 3b) of both the side pieces, which is disposed at a side of a substrate, has a terminal portion (225, Fig. 3b) thereof shaped in such a way as to be outwardly opened, and also has a central portion (218b) thereof formed in a convex shape in such a manner as to narrow an inner opening thereof. However, Tonar et al. does not implicitly disclose a sealing resin layer and a planar sidepiece.

The use of general material for EC mirror layers such as resin/epoxy sealing are well known in the art of optical mirror for the purpose of sealing as well as preventing mirror from breakage. Therefore, it would have been obvious to one skilled in the art to make the EC mirror from general material such as resin/epoxy sealing layer of the Tonar et al., for the purpose of sealing as well as preventing mirror from breakage.

Since both planar sidepiece and curve sidepiece function as a clip device to contact with a conductive surface, the selection of planar sidepiece in place of curve sidepiece is seem as design experience upon the environment of use to ensure optimum performance. Therefore, it would have been obvious at the time the invention was made to a person having skill in the art to replace the curve sidepiece in EC device with the planar sidepiece for matter of design choice.

c) With respect to claim 3, Tonar et al. discloses a clip use with electrodes in EC device in Fig. 3a and 3b having wherein an expanding slot (220) is formed in each of the side pieces (214, 218) of the clip in a direction perpendicular to a longitudinal direction thereof, and wherein a terminal for an external wire connection is formed on one of both the side pieces.

Best Available Copy

Conclusion


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuyen Tra whose telephone number is (703) 306-5712. The examiner can normally be reached on Monday to Friday from 8:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps, can be reached on (703) 308-4883. The fax number for this Group is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Examiner: Tuyen Tra

Date: July 5, 2002


Georgia Epps
Supervisory Patent Examiner
Technology Center 2800

Best Available Copy